

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Wayne D. Conte,

Plaintiff

v.

United States Office of Personnel  
Management,

Defendant

Case No. 2:24-cv-00949-CDS-EJY

Order Adopting Magistrate Judge's Report  
and Recommendation and Closing Case

[ECF No. 7]

Plaintiff Wayne Conte filed this lawsuit against the United States Office of Personnel Management (OPM) alleging that it violated a Clark County District Court, Family Division order by continuing to garnish his benefits for spousal support. Compl., ECF No. 1-1. Magistrate Judge Elayna J. Youchah screened Conte's complaint but dismissed it because OPM has sovereign immunity from suit absent a waiver—and Conte's complaint was silent as to the waiver requirement. Order, ECF No. 9. Conte was granted leave to amend to state a claim against a non-immune defendant. *Id.* at 2. He had until June 24, 2024, to file the amended complaint. *Id.* After Conte failed to file an amended complaint by the deadline, or to request additional time to do so, Judge Youchah issued a report and recommendation (R&R) to dismiss this action without prejudice for Conte's failure to comply with a court order. R&R, ECF No. 7.

Conte had until October 14, 2024, to file any objections to the R&R. ECF No. 7 at 2–3 (citing LR IB 3-2(a) (stating that parties wishing to object to an R&R must file objections within fourteen days)); *see also* 28 U.S.C. § 636(b)(1)(C) (same). As of the date of this order, Conte has not objected to the R&R nor requested more time to do so. “[N]o review is required of a magistrate judge’s report and recommendation unless objections are filed.” *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985);

1 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). As no objection has been filed, I  
2 adopt the R&R in full and dismiss this action without prejudice.

3 **Conclusion**

4 IT IS THEREFORE ORDERED that Judge Youchah's report and recommendation [ECF  
5 No. 7] is adopted in its entirety. This action is now dismissed without prejudice. The Clerk of  
6 Court is kindly instructed to enter judgment accordingly and to close this case.

7 Dated: November 6, 2024

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10 Cristina D. Silva  
11 United States District Judge  
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